

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

October 11, 2019

Freedom of Information Request

Dear U.S. Environmental Protection Agency FOIA Office:

Sustainable Development Strategies Group is a tax exempt nonprofit research institution headquartered in Colorado. We do research and publish studies aimed at improving the management of natural resources.

We are currently doing a study related to certain coal power plants in our region.

Background

On April 17, 2015, the Environmental Protection Agency (EPA) issued the final version of the federal Coal Combustion Residual Rule (CCR Rule) to regulate the disposal of coal combustion residual (CCR) materials generated at coal-fired units. The rule is administered as part of the Resource Conservation and Recovery Act (RCRA, 42 United States Code [U.S.C.] §6901 et seq.), using the Subtitle D approach.

Companies subject to the CCR Rule must develop a Closure Plan per 40 Code of Federal Regulations (CFR) §257.102. According to §257.102(b)(1), the Closure Plan must contain the following:

- A description of how the CCR unit will be closed.
- For in-place closure: A description of the final cover system, the methods for installing the final cover system, and the methods for achieving compliance with the standards outlined in §257.102(d).
- An estimate of the maximum amount of material ever stored in the CCR unit over its active life. ·An estimate of the largest area of the CCR unit ever requiring a final cover as required by §257.102(d) at any time during the CCR unit's active life.

- A schedule for completing closure activities, including the anticipated year of closure and major milestones for permitting and construction activities.

Our Request

We request the Closure Plans submitted per 40 Code of Federal Regulations (CFR) §257.102 for the following facilities:

- Whelan Energy Center Units 1 and 2, located two miles east of Hastings, Neb., and operated by NMPP.
- Laramie River Station Units 1, 2, and 3, operated by Basin Electric and located east of Wheatland, Wyoming
- Wygen Units 1 and III, Operated by Black Hills Corporation and located near Gillette, WY
- Neil Simpson Unit 2, operated by Black Hills Power and located in Campbell County, Wyoming.

We also request copies of any notices of violation, citations or enforcement actions related to environmental conditions at these plants, or at the Walter Scott Energy Center Unit 4 near Council Bluffs, Iowa.

Questions

If any questions arise during the processing of this request, please direct them to me, Ellen Ross, at (970) 641 4605, or (918) 557 2506 or by email at ross@sdsg.org

Fee Waiver Request

We request a waiver of fees for this very limited request for documents, because the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.

It is not in the commercial interest of our organization but aimed at further exploration of the question of where communities in our region are obtaining electric power, and how the government is regulating the entities that supply that power.

We have previously published studies on related subjects, see <https://www.sdsg.org/publications-reports>

In that process we have developed a distribution list of public officials and others, including journalists, who are interested in the subject of power supply to their communities and that are served by the

power plants listed above. We would intend to use these means to disseminate the study in which the information we are hereby requesting will be used.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Ross", with a long horizontal flourish extending to the right.

Ellen Ross

cc: James Cody
Keriann Conroy